



**MEMORANDUM IN OPPOSITION
S1684/A6843**

The Rent Stabilization Association of New York City (“RSA”) represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout New York City. The RSA submits this memorandum in opposition of S1684/A6843, which would establish penalties in jurisdictions outside New York City when an owner fails to respond to a municipal survey on vacancies.

This bill would modify the Emergency Tenant Protection Act to specify that when a municipality conducts a survey of rent rolls and number of vacant apartments for a six-unit building built before 1974 owners are required to participate. The survey request could include tenant information and rent rolls for up to three years would be required and information about vacant units, including whether they units are in move-in condition or under construction. Failure to do so or submitting false information could subject the owner to a fine of up to \$1,000 and loss of rental permit or certificate of occupancy. In addition, for those buildings for which the owner does not participate, a vacancy rate of zero would be attributed to the building.

There penalties are onerous and fail to consider that there are situations in which these surveys may not reach the appropriate parties. For example, if ownership is disputed, if the building is in receivership, or if municipal records are inaccurate or out-of-date To attribute a vacancy rate of zero would distort the survey results and would have significant repercussions on the whole local housing market despite the fact that no one would be at fault for a lack of response. A more rational step would be to establish better municipal survey methods and data collection and in the event there is no response undertake an examination of the particular building situation including, if necessary, in-person observation in order to determine the actual vacancy status of a particular building.

The vacancy survey is relied upon by the municipality to support a decision to impose rent regulations, which has significant impacts on tenants, owners and taxpayers. The vacancy survey should be subject to professional standards and operational protections, which ensure quality and credibility. Besides quality stands, it should also be conducted using disclosure avoidance practices. This approach avoids politicization of the survey process.

Accordingly, the RSA opposes S1684/A6843.